

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

Charles y. Powell

Plaintiff(s),

(Enter the full name(s) of ALL plaintiff(s)
and prisoner number(s) in this action.)

vs.

Case No. 20-cv-1142 PJS/HB
(To be assigned by Clerk of District Court)

Daniel Morland Casey,

Jeffery Thomas Austerg,

D.O.C

(Everyone in their individual capacity's)

DEMAND FOR JURY TRIAL

YES ☒

NO ☐

Defendant(s).

(Enter the full name(s) of ALL defendants in
this action. Please attach additional sheets
if necessary).

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. § 1983

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved



in this action or otherwise relating to your imprisonment in the last three years?

☒ Yes

☐ No

B. If you answer to (a) is "yes", describe each lawsuit in the space below.

1. Parties to the previous lawsuit:

Plaintiffs:

Charles Y. Powell

Defendants:

State of MN et al, Washington County, et al.

2. Court (If federal court, name the district. If state court, name the state and county.):

U.S District Court, 12 W U.S Courthouse 300
300 South Fourth Street, MPLS, MN 55415

3. Case Number:

0:18-CV-03415-JNE-HB

4. Name of judge assigned to the case:

Joan N. Erickson. (Magistrate Judge "Hildy Bowbeer")

5. Cause of action (Cite the statute under which you filed and write a brief statement of the case):

42:1983 Prisoner Civil Rights. D.O.C official Brutally
Assaulted while I was in handcuffs, shackles and I was
also strapped inside of a Restraint Chair.

6. Disposition or final determination of the case (for example, dismissed or appealed).

I Voluntarily dismissed my Civil Suit.

7. Approximate date of filing the lawsuit:

Around December of 2018 (12-14-18)

8. Approximate date of disposition or final determination of the lawsuit:

Around Late March or early April of 2019

*** Attach a copy of the disposition or final determination of the lawsuit if it was filed in a court other than the U.S. District Court for the District of Minnesota.***

~~See longer page~~

If there was more than one lawsuit, describe the additional lawsuits on a separate sheet of paper answering the same questions in the same order as above in Question 1(b). Label this information as Question 1(b).

Check here if additional sheets of paper are attached. ☐

II. PRESENT PLACE OF CONFINEMENT

MCF-Oak Park Heights.

A. Is there a prisoner grievance procedure in the institution?

☒ Yes

☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?

☒ Yes

☐ No

C. If you answered "yes" to question II.B.:

1. What steps did you take:

I went up the chain of command expressing & explaining what happened to me.

2. What was the result?

the (two) guards (correctional officers) got fired and charged with assault in the court of law.

Attach a copy of the decision or disposition received from the prisoner grievance procedure. I already sent the clerk's office the original grievances so they are no longer in my possession. (when I filed the first time)

D. If you answered "no" to question II.B., explain why you did not present the facts relating to your complaint in a prisoner grievance procedure.

III. PARTIES

List your name, prisoner number, address and telephone number. Do the same for any additional plaintiffs. Attach an additional sheet of paper, if necessary.

A. Name of Plaintiff: Charles Upmire Powell

Prisoner Number 248952

Address 5329 Osgood Ave N. (MCF-CPH)
Stillwater, MN 55082

Additional Plaintiffs: NONE

Provide each defendant's full name, official position, and place of employment. Attach additional sheets of paper, if necessary.

B. Name: Daniel Marland Casey

Official Position: Correctional Officer

Employer's Address: 5329 Osgood Ave N (MCF-OPH)
Stillwater, MN 55082

(He got fired after he assaulted me so I no longer know where he works)
Additional Defendants: Jeffery Thomas Austreng

Official Position: Correctional Officer

Employer's Address: 5329 Osgood Ave N. (MCF-OPH)
Stillwater, MN 55082

(He also got fired for assaulting me so I don't know where he works or lives.)

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper as II.A. for Plaintiffs and II.B. for Defendants.

IV. STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. Describe how each individual defendant is personally involved, including dates, places and specific wrongful acts or omissions by each defendant. Each factual allegation should be provided in separately lettered paragraphs, beginning with letter A. Do not make any legal arguments or cite any cases or statutes.

A. On 7-16-18 Daniel Casey and Jeffery Austreng used extreme excessive force against me for logical reason other than their own malicious satisfaction. I was compliant but still they brutally beat me while I was in handcuffs, shackles and strapped inside of a restraint chair for over 45 minutes. Its all on video footage and both officers got fired and charged in the Court of Law for what they did to me.

But I was also given E.I (extended incarceration)
Because the Guards wrote false disciplinary reports on
me saying I assaulted one or both of them. They only
made those lies to ~~see~~ try to justify what they did to me
But when the Facility's special investigator went to
look at the video footage he saw that the Guards lied
and that I didn't do what they accused me of and that
is what led them to ~~being~~ getting fired and crimin-
ally prosecuted in the court of law.
B. The case numbers in which they were held
accountable for beating me are: (Casey) 82 CT-19618
(Austberg) 82 CT 19-617

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to letter the paragraphs consecutively.

V. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Do not make any legal arguments or cite any cases or statutes.

I want get all of extended incarceration
they gave me Back and I want \$10,000,000
(Ten million Dollars)

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge, and belief.

Signed this

day of

5-7

, 2020

Signature(s) of Plaintiff(s)

Charles Powell

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.